United Nations S/2017/365

Security Council

Distr.: General
28 April 2017
English
Original: Spanish

Letter dated 26 April 2017 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

I have the honour to inform you that, during its presidency of the Security Council in May 2017, Uruguay plans to hold an open debate on 25 May 2017 on the topic "Protection of civilians and medical care in armed conflict".

In order to help guide the debate, Uruguay has prepared a concept note which is attached hereto (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Elbio **Rosselli**
Ambassador
Permanent Representative of Uruguay
to the United Nations

17-06892 (E) 010517 010517

Please recycle

Annex to the letter dated 26 April 2017 from the Permanent Representative of Uruguay to the United Nations addressed to the Secretary-General

[Original: English]

Concept note for the Security Council open debate on the protection of civilians and medical care in armed conflict, to be held on 25 May 2017

Background

On 3 May 2017, it will be one year since the Security Council adopted its landmark resolution 2286 (2016), concerning the protection of civilians — its first resolution dedicated solely to the protection of medical care in armed conflict. In the resolution, the Council condemns attacks and threats against "the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities" (hereinafter "medical care in armed conflict"). It reiterates the relevant legal framework and calls on all parties to armed conflicts to fully comply with their obligations under international law, including international human rights law, as applicable, and international humanitarian law, in particular their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977 and 2005.

The resolution provides that States and, as appropriate, parties to conflict, should take action in several areas, including facilitating the safe passage of relevant personnel and supplies to people in need; developing measures to prevent and address acts of violence, attacks and threats against medical care in armed conflict; adopting practical protection measures in the planning and conduct of their operations; or conducting investigations into potential violations of relevant international law and adopting remedial measures.

Resolution 2286 (2016) contains specific requests for the Secretary-General, with the aim of ensuring the implementation of the text with consistent follow-up by the Security Council. The Council notably requests the Secretary-General to include, in his country-specific and other relevant thematic reports that address the protection of civilians, the issue of medical care in armed conflict; to provide recommendations on measures to enhance the protection of, and prevent acts of violence against, medical care in armed conflict, and to better ensure accountability for such acts; and to brief the Council every 12 months on the implementation of the resolution.

The recommendations of the Secretary-General under resolution 2286 (2016) contain three types of measures: (a) preventive measures that Member States should take to promote respect for medical care in armed conflict, both within their own jurisdiction and in their external relations, both in times of peace and in conflict; (b) practical precautions that parties to conflict should take to prevent and minimize civilian harm in the planning and conduct of hostilities; (c) corrective measures to ensure accountability, the provision of reparation and assistance, and the continuous improvement of applicable rules (see S/2016/722). To inform such efforts, the recommendations stress the need for systematic and impartial investigations into specific incidents, and regular data collection and analysis. On all those fronts, Member States and parties to conflict have the primary responsibility to take action. On some issues (e.g., data collection, awareness-raising or training), the United Nations and humanitarian organizations have a role to play, informing or supporting

national efforts. Regarding investigations and accountability, when States fail to act, the Security Council should consider using all the tools at its disposal (e.g. ad hoc fact-finding missions, commissions of inquiry, tribunals or referrals to the International Criminal Court). Accountability is a crucial element for enhancing compliance with international humanitarian law and human rights law, as it contributes to preventing serious violations by spreading the message that they will not be tolerated.

The Secretary-General presented his recommendations in a briefing to the Council in September 2016. On that occasion, he underlined that attacks and access restrictions on medical care were signs of a broader erosion of respect for international humanitarian law, and called for a global effort to enhance respect for the laws that safeguard humanity.

In its resolution 1894 (2009), on the protection of civilians in general, the Security Council recognized its responsibility in this regard — noting that "the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security", reaffirming "its readiness to consider such situations", and "acknowledging the enduring need for the Security Council and Member States to strengthen further the protection of civilians". In its most recent presidential statement on the protection of civilians in general (S/PRST/2015/23 of 25 November 2015), the Council recalled "the importance of ensuring compliance with international humanitarian law and international human rights law", underscored "the importance it attaches to protection of civilians as one of the core issues on its agenda", and expressed its intention "to continue addressing this issue regularly, both in country-specific considerations and as a thematic item".

The issuance of the Secretary-General's first protection of civilians report pursuant to resolution 2286 (2016), in the same month as the first-year anniversary of the adoption of that resolution, provides an opportunity for the Security Council to mobilize the international community in an open debate around the issue of medical care in armed conflict, take stock of the implementation of resolution 2286 (2016) and discuss how these aspects connect to broader protection of civilians issues, as described in the report of the Secretary-General. The report highlights both the persistence of attacks and access restrictions on medical care and the fact that such acts, along with other atrocities, are part of a broader trend of disregard for the protection of civilians and international humanitarian law. Reviving compliance with those norms appears in the report as a central component of the vision of the Secretary-General on the protection of civilians.

Scope of the open debate

Uruguay, which will hold the presidency of the Security Council for the month of May 2017, will convene a ministerial-level open debate on the protection of civilians to discuss the issue of protection of medical care in armed conflict, including a first stocktaking exercise on the implementation of Security Council resolution 2286 (2016).

The open debate will also allow participants to put this issue in a broader context, connecting it to overarching protection of civilians issues and to a forward-looking protection of civilians agenda, based on the report of the Secretary-General. It will also provide an opportunity for all Member States to put forward the actions that they have taken in order to improve the protection of medical care in armed conflict pursuant to resolution 2286 (2016), and to discuss publicly the

recommendations of the Secretary-General and the way forward on the broader protection of civilians agenda.

Objectives

- To assess the implementation of resolution 2286 (2016) 12 months after its adoption;
- To allow the broader United Nations membership to express its views on how to improve the protection of medical care in conflict, the implementation of resolution 2286 (2016), and the recommendations of the Secretary-General to that end and the broader protection of civilians agenda;
- To analyse measures taken to prevent or reduce the negative impact of attacks on health-care facilities and personnel and the denial of humanitarian aid to the most vulnerable populations, including children;
- To explore ways to improve the systematic collection and reporting of data and the investigation of incidents and to better ensure accountability for such acts;
- To link the topic of the protection of medical care in armed conflict to overarching protection of civilians issues, including, compliance with international humanitarian law and human rights law, accountability for violations thereof, humanitarian access, protection of civilians in peacekeeping operations and actions to address forced displacement;
- To discuss ways to better address the above-mentioned issues, based on the report of the Secretary-General.

Date and time

25 May 2017 at 10 a.m.

Outcome

An informal summary of speakers and interventions by Member States during the open debate will be shared with Council members.

Speakers

- The Secretary-General
- The President or Vice-President of the International Committee of the Red Cross
- The Deputy Executive Director for Advocacy of Human Rights Watch, Bruno Stagno Ugarte.